

§ 648.86 Possession restrictions.

Except as provided in § 648.17, the following possession restrictions apply:

(a) *Haddock*—(1) *NE multispecies DAS vessels*. (i) Except as provided in paragraphs (a)(1)(ii) and (a)(1)(iii) of this section, a vessel that fishes under a NE multispecies DAS may land up to 2,000 lb (907.2 kg) of haddock per DAS fished, or any part of a DAS fished, up to 20,000 lb (9071.8 kg) per trip, provided it has at least one standard tote on board. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) When the Regional Administrator projects that 75 percent of the target TAC will be harvested (9.3 million lb (4,218.5 mt) for the 1999 fishing year), NMFS may publish a notification in the FEDERAL REGISTER that, as of a specific date, the limit specified in paragraph (a)(1)(i) of this section is reduced to either a 1,000 lb (453.6 kg) per trip possession limit restriction, or to a landing limit restriction of 1,000 lb (453.6 kg) per DAS fished, 10,000 lb (4,536.0 kg) maximum, depending on the risk of exceeding the target TAC. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection. Vessels subject to this landing limit must have at least one standard tote on board.

(iii) Paragraph (a)(1)(ii) of this section notwithstanding, beginning October 1, 1999, through April 30, 2000, if the Regional Administrator projects that less than 75 percent of the target TAC will be harvested (9.3 million lb (4,218.5 mt) for the 1999 fishing year) by April 30, 2000, NMFS may publish a notification in the FEDERAL REGISTER that, as of a specific date, the limit is increased to the amount that the Regional Administrator projects will be sufficient to allow harvesting of at least 9.3 million lb (4,218.5 mt) by April 30, 2000. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection. Vessels subject to this landing limit must have at least one standard tote on board.

(2) *Scallop dredge vessels*. (i) No person owning or operating a scallop dredge vessel issued a multispecies permit may land haddock from, or possess haddock on board, a scallop dredge vessel, from January 1 through June 30.

(ii) No person owning or operating a scallop dredge vessel without a multispecies permit may possess haddock in, or harvested from, the EEZ, from January 1 through June 30.

(iii) Except for vessels fishing under the Georges Bank Sea Scallop Exemption Program from July 1 through December 31, 1999, as provided in § 648.58(c)(6)(ii), scallop dredge vessels or persons owning or operating a scallop dredge vessel that is fishing under a scallop DAS allocated under § 648.53 may land or possess on board up to 300 lb (136.1 kg) of haddock, provided that the vessel has at least one standard tote on board. This restriction does not apply to vessels issued NE multispecies Combination Vessel permits that are fishing under a multispecies DAS. Haddock on board a vessel subject to this possession limit must be separated from other species of fish and stored so as to be readily available for inspection.

(b) *Cod*—(1) *Gulf of Maine Cod Landing Limit*. (i) Except as provided in paragraphs (b)(1)(ii) and (b)(4) of this section, and subject to the cod landing limit call-in provision specified at § 648.10(f)(3)(i), a vessel fishing under a NE multispecies DAS may land up to 200 lb (90.7 kg) of cod per DAS, or any part of a DAS, unless otherwise specified in this paragraph. Vessels calling-out of the multispecies DAS program under § 648.10(c)(3) that have utilized part of a DAS (less than 24 hours) may land up to an additional 200 lb (90.7 kg) of cod for that part of a DAS; however, such vessels may not end any subsequent trip with cod on board within the 24-hour period following the beginning of the part of the DAS utilized (e.g., a vessel that has called-in to the multispecies DAS program at 3 p.m. on a Monday and ends its trip the next day (Tuesday) at 4 p.m. (accruing a total of 25 hours) may legally land up to 400 lb (181.4 kg) of cod on such a trip, but the vessel may not end any subsequent trip with cod on board until after 3 p.m. on the following day (Wednesday)). When

the Regional Administrator projects that 30 percent of the FMAX target TAC will be harvested (886,000 lb (402 mt) for the 1999 fishing year), NMFS will publish a notification in the FEDERAL REGISTER that, as of a specific date, the limit is reduced to a specified amount between 5 lb (2.3 kg) and 100 lb (45.3 kg) per DAS, depending on the risk of exceeding the target TAC. Cod on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) A vessel subject to the cod landing limit restrictions described in paragraph (b)(1)(i) of this section, and subject to the cod landing limit call-in provision specified at § 648.10(f)(3)(ii), may come into port with and offload cod in excess of the landing limit as determined by the number of DAS elapsed since the vessel called into the DAS program, provided that:

(A) The vessel operator does not call-out of the DAS program as described under § 648.10(c)(3) and does not depart from a dock or mooring in port to engage in fishing, unless transiting as allowed in paragraph (b)(3) of this section, until sufficient time has elapsed to account for and justify the amount of cod harvested at the time of offloading regardless of whether all of the cod on board is offloaded (e.g., a vessel subject to the landing limit restriction, described in paragraph (b)(1)(i) of this section, that has called-in to the multispecies DAS program at 3 p.m. on Monday and that fishes and comes back into port at 4 p.m. on Wednesday of that same week with 800 lb (362.9 kg) of cod to offload some or all of its catch cannot call-out of the DAS program or leave port until 3:01 p.m. the next day, Thursday (i.e., 3 days plus one minute)); and

(B) Upon returning to port and before offloading, the vessel operator notifies the Regional Administrator (see Table 1 to § 600.502 of this chapter for the Regional Administrator's address) and provides the following information: Vessel name and permit number, owner and caller name, DAS confirmation number, phone number, and the hail weight of cod on board and the amount of cod to be offloaded, if any. A vessel that has not exceeded the landing limit

and is offloading and ending its trip by calling out of the multispecies DAS program does not have to report under this call-in system.

(iii) A vessel that has not exceeded the cod landing limit restrictions described in paragraph (b)(1)(i) of this section and that is offloading some or all of its catch without calling out of the multispecies DAS program under § 648.10(c)(3), is subject to the call-in requirement described in paragraph (b)(1)(ii)(B) of this section.

(2) *Georges Bank Cod Landing and Maximum Possession Limits.* For the 1999 fishing year, beginning August 15, 1999, and,

(i) For each fishing year thereafter, beginning on May 1, a vessel that is exempt from the landing limit described in paragraph (b)(1) of this section fishing under a NE multispecies DAS may land only up to 2,000 lb (907.2 kg) of cod per DAS, or any part of a DAS, up to a maximum possession limit of 20,000 lb (9,071.8 kg) per trip, unless otherwise specified pursuant to paragraph (b)(2)(ii) of this section. The vessel must have a standard tote on board. Cod on board a vessel subject to these landing and maximum possession limits must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) When the Regional Administrator projects that 75 percent of the target TAC will be harvested (8.9 million lb (4,012 mt) for the 1999 fishing year), NMFS may publish a notification in the FEDERAL REGISTER that, as of a specific date, the landing and/or maximum possession limits specified in paragraph (b)(2) of this section are reduced to a level calculated to keep landings below the target TAC based on the risk of exceeding the target TAC. Cod on board a vessel subject to these landings and maximum possession limits must be separated from other species of fish and stored so as to be readily available for inspection.

(iii) Paragraph (b)(2)(i) of this section notwithstanding, between January 1, and April 30 of each fishing year, if the Regional Administrator projects that less than 75 percent of the target TAC (8.9 million lb (4,012 mt) for the 1999 fishing year) will be harvested by April

30, of the fishing year, NMFS may publish a notification in the FEDERAL REGISTER that, as of a specific date, the landings and/or maximum possession limits are increased to the amount that the Regional Administrator projects will be sufficient to allow harvesting of up to 8.9 million lb (4,012 mt) for the 1999 fishing year by April 30, 2000.

(3) *Transiting.* A vessel that has exceeded the cod landing limit as specified in paragraph (b)(1) of this section, and is, therefore, subject to the requirement to remain in port for the period of time described in paragraph (b)(1)(ii)(A) of this section may transit to another port during this time, provided that the vessel operator notifies the Regional Administrator (see Table 1 to §600.502 of this chapter) either at the time the vessel reports its hailed weight of cod or at a later time prior to transiting and provides the following information: vessel name and permit number, destination port, time of departure, and estimated time of arrival. A vessel transiting under this provision must stow its gear in accordance with one of the methods specified in §648.81(e) and may not have any fish on board the vessel.

(4) *Exemption.* A vessel fishing under a NE multispecies DAS is exempt from the landing limit described in paragraph (b)(1) of this section when fishing south of a line beginning at the Cape Cod, MA coastline at 42°00' N. lat. and running eastward along 42°00' N. lat. until it intersects with 69°30' W. long., then northward along 69°30' W. long. until it intersects with 42°20' N. lat., then eastward along 42°20' N. lat. until it intersects with 67°20' W. long., then northward along 67°20' W. long. until it intersects with the U.S.-Canada maritime boundary, provided that it does not fish north of this exemption area for a minimum of 30 consecutive days (when fishing under the multispecies DAS program), and has on board an authorization letter issued by the Regional Administrator. Vessels exempt from the landing limit requirement may transit the GOM/GB Regulated Mesh Area north of this exemption area, provided that their gear is stowed in accordance with one of the provisions of §648.81(e).

(c) *Other possession restrictions.* Vessels are subject to all other applicable possession limit restrictions as specified under §648.58(c)(6), §648.82(b)(3), §648.83(b)(1), §648.88(a) and (c), and §648.89(c).

(d) *Calculation of weight of fillets or parts of fish.* The possession limits described under this part are based on the weight of whole, whole-gutted, or gilled fish. For purposes of determining compliance with the possession limits specified in paragraph (a), (b), or (c) of this section, the weight of fillets and parts of fish, other than whole-gutted or gilled fish, as allowed under §648.83(a) and (b) will be multiplied by 3.

[61 FR 34968, July 3, 1996, as amended at 62 FR 14650, Mar. 27, 1997; 62 FR 15389, Apr. 1, 1997; 62 FR 37157, July 11, 1997; 63 FR 11595, Mar. 10, 1998; 63 FR 15332, Mar. 31, 1998; 63 FR 42592, Aug. 10, 1998; 64 FR 24076, May 5, 1999; 64 FR 31151, June 10, 1999; 64 FR 42048, Aug. 3, 1999]

EFFECTIVE DATE NOTE: At 64 FR 42045, Aug. 3, 1999, §648.86 was amended by suspending paragraphs (b)(1)(i), (b)(1)(ii)(A), and (b)(3) and revising paragraphs (b)(1)(iv) and (b)(5), effective Aug. 3, 1999 through Jan. 30, 2000. For the convenience of the user, the revised text is set forth as follows:

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(b) * * *

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(iv) *Landing limit.* Notwithstanding any other provisions of this part, the following measures shall be in effect from August 3, 1999 until January 30, 2000. Except as provided in paragraph (b)(2) of this section, and subject to the call-in provision specified in §648.10(f)(3)(iii), a vessel fishing under a NE multispecies DAS may land only up to 100 lb (45.4 kg) of cod during the first 24-hour period after the vessel has started a trip on which cod were landed (e.g., a vessel that starts a trip at 6 a.m. may call out of the DAS program at 11 a.m. and land up to a 100 lb (45.4 kg), but the vessel cannot land any more cod on a subsequent trip until at least 6 a.m. on the following day). For each trip longer than 24 hours, a vessel may land up to an additional 100 lbs (45.4 kg) for each additional 24-hour